

# EXHIBIT 5

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN FRANCISCO  
BEFORE THE HONORABLE ERIC FLEMING, JUDGE  
DEPARTMENT NUMBER 22

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THE PEOPLE OF THE STATE OF CALIFORNIA, )

Plaintiff, )

No. CRI-24003587

VS. )

YING NG, )

Defendant. )

PROCEEDINGS

March 22, 2024

A P P E A R A N C E S

FOR THE PEOPLE:

DANIEL AMADOR  
DEPUTY DISTRICT ATTORNEY

FOR THE DEFENDANT:

TATIANA HOWARD  
DEPUTY PUBLIC DEFENDER

REPORTED BY:

CHRIS SWINDERMAN, CSR #6932

PROCEEDINGS

Friday, March 22, 2024

THE COURT: Okay. Line 12 on the continuance calendar, Mr. Ying Ng.

Appearances, please.

MR. AMADOR: Daniel Amador for the People appearing by Zoom.

MS. HOWARD: Tatiana Howard Public Defender's Office. I'm appearing with Mr. Ng who's present before the Court in custody. I'm aware that the Court could not obtain a Cantonese interpreter before 2:00. I called one. He's on the phone.

Mr. Interpreter, can you hear me?

THE INTERPRETER: Yes.

MS. HOWARD: Can you state your name, first and last, for the record.

THE INTERPRETER: First name Danny, D-a-n-n-y, last Eng, E-n-g.

MS. HOWARD: Thank you.

THE COURT: And, sir, what language are you interpreting in?

MS. HOWARD: The Court would like to know what language you are interpreting in?

THE INTERPRETER: In Cantonese.

THE COURT: And are you a certified interpreter?

THE INTERPRETER: I'm not a certified interpreter.

THE COURT: You work for the language line?

1 THE INTERPRETER: Yes.

2 THE COURT: Is this the line that the police department  
3 calls if they want someone to interpret for them?

4 THE INTERPRETER: I cannot hear.

5 MS. HOWARD: The Court is asking if this is the line  
6 that the police officers call if they need someone to  
7 interpret for them?

8 THE INTERPRETER: Yes.

9 THE COURT: Okay. Mr. Ng, the Court has asked you to  
10 be here because you're being placed on electronic monitoring.

11 MS. HOWARD: If you can translate, Mr. Interpreter.  
12 The Court just indicated that they've asked Mr. Ng to be here  
13 so they can place him on electronic monitoring. If you can  
14 translate that now.

15 THE COURT: Your attorney does not object to electronic  
16 monitoring but has made an objection to the search  
17 condition.

18 MS. HOWARD: Mr. Interpreter, can you hear the Court?

19 THE INTERPRETER: No, I cannot.

20 MS. HOWARD: So what the Court just indicated is that  
21 I, Mr. Ng's attorney, has not objected to electronic  
22 monitoring but I am objecting to a search condition.

23 THE COURT: Explain, Ms. Howard, so he can get out and  
24 litigate this issue at this time, he's going to have to agree  
25 to electronic monitoring and you object to it later, how ever  
26 you want to say it to your client.

27 MS. HOWARD: Mr. Ng, what is being proposed in order  
28 for you to be released from custody hopefully today with the

1 Court's permission you consent to a search condition so that  
2 you can be placed on electronic monitoring.

3 THE COURT: Mr. Ng, did you understand everything the  
4 interpreter said so far?

5 MS. HOWARD: Ask him if he understood everything you  
6 translated thus far.

7 THE DEFENDANT: Yes.

8 THE COURT: Yes. Mr. Ng, you shall as part of  
9 electronic monitoring obey by all orders and rules given by  
10 the Sheriff's Office employees.

11 MS. HOWARD: Your Honor, can I have a copy?

12 THE COURT: Just read it. Say this is the Court order  
13 and it's going to be...

14 MS. HOWARD: Mr. Interpreter, I'm going to read  
15 something. If you could translate it to Mr. Ng.

16 A defendant on electronic monitoring shall obey all  
17 orders and rules given by any San Francisco Sheriff's Office  
18 employees or contract service providers and reside within 50  
19 driving miles of the Sheriff's electronic monitoring office.

20 Participants cannot drive more than 50 driving miles  
21 from the Sheriff's electronic monitoring office without prior  
22 approval of the Court and the San Francisco Sheriff's Office.

23 A defendant shall submit to a search of their person,  
24 vehicle, property and home at anytime by the San Francisco  
25 Sheriff's Office sworn staff or any peace officer acting on  
26 behalf of and with the express permission of the San Francisco  
27 Sheriff's Office.

28 The defendant shall obey all laws.

1           The defendant shall report any change of residence  
2 immediately to a San Francisco Sheriff's Office electronic  
3 monitoring employee or contract service provider.

4           The defendant shall charge and maintain the monitoring  
5 device as instructed and not tamper with, defeat or remove the  
6 monitoring devices.

7           The defendant shall report any arrests, citations or  
8 law enforcement contact to a San Francisco Sheriff's Office  
9 Community Programs employee within 24 hours.

10           I'll take a few moment to address a few issues with the  
11 Court.

12           As to the portion that indicates that he shall not  
13 consume any controlled substance without a valid legal  
14 prescription, is that included as well?

15           THE COURT: Let me see the form, please.

16           Yes, read the last sentence.

17           MS. HOWARD: Lastly, the defendant shall not possess or  
18 consume any controlled substance without a valid legal  
19 prescription.

20           Do you understand?

21           THE COURT: Sir, Mr. Ng, do you have any questions?

22           MS. HOWARD: Ask him if he has any questions.

23           Mr. Ng is asking if he could leave San Francisco to  
24 obtain his vehicle and return to San Francisco at his mother's  
25 address.

26           THE COURT: First of all, tell the interpreter he has  
27 to stay in San Francisco. He can't live in Sacramento.

28           MS. HOWARD: Do you understand?

1 THE DEFENDANT: Yes.

2 THE COURT: He says he understands. He wants to get  
3 his vehicle and bring it back?

4 MS. HOWARD: Yes.

5 THE COURT: And what day is he going to get his  
6 vehicle?

7 MS. HOWARD: If we could go off the record briefly.

8 (Discussion off the record)

9 THE COURT: Tell the interpreter he has to sign the  
10 form and he'll be released and we can deal with the vehicle  
11 situation on Monday.

12 Sir, your next court date is Monday at 9:00 o'clock in  
13 the morning. You'll be released sometime today or early  
14 tomorrow morning.

15 MR. AMADOR: Can I ask a few clarifying questions. Did  
16 the defendant agree to some kind of search condition?

17 THE COURT: Yes.

18 MS. HOWARD: For the limited purpose until we argue  
19 whether or not it's permissible for the Sheriff's Office to  
20 tell the Court no. He's consenting to a search for now.

21 THE COURT: Until the Court makes a finding.

22 MR. AMADOR: So a provisional agreement?

23 THE COURT: Right now he's on a search condition until  
24 the Court makes a final ruling as to whether or not he's to  
25 remain on search condition after I receive briefing from  
26 everyone.

27 MS. HOWARD: I would just ask the Court's ruling  
28 acknowledge that the Sheriff's Office is not to share his

1 location or GPS information with any other agencies. As they  
2 indicated, the limited purpose is for officer safety and  
3 compliance.

4 THE COURT: So I'm not ruling on that issue yet. They  
5 have to take a ruling. They should understand what they could  
6 to do in terms of sharing any information. Right now we're  
7 just dealing with his electronic monitoring and searching for  
8 electronic monitoring purposes.

9 MR. AMADOR: Earlier this morning your Honor posed four  
10 questions to defense and me. Is there a schedule or time for  
11 briefing on those questions?

12 THE COURT: April 16th is the next court date. Is that  
13 on for jury trial?

14 THE CLERK: To set.

15 MR. AMADOR: It's on to set. This is a general time  
16 waiver.

17 THE COURT: I should expect briefing to be completed by  
18 that date.

19 MS. HOWARD: That's fine. I should be out of trial by  
20 Friday.

21 THE COURT: Any briefing anyone has please submit them  
22 to the Court by April 12th.

23 MS. HOWARD: Can the Court send the email addressing  
24 the five questions that the Court --

25 THE COURT: I will summarize it to make it more  
26 succinct for everyone and send it to both sides and sheriff's  
27 counsel.

28 MR. AMADOR: Submitting these questions I believe are



1 probably most properly directed to the Sheriff's Department  
2 rather than --

3 THE COURT: I'm just going to address the questions and  
4 see who is able to give me answers. I'll make a ruling on the  
5 16th.

6 MS. HOWARD: Thank you.

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1 STATE OF CALIFORNIA)  
2 COUNTY OF ALAMEDA ) ss.

3 I, CHRIS SWINDERMAN, Certified Shorthand Reporter,  
4 do hereby certify that I am an Official Court Reporter for the  
5 Superior Court, State of California, and that as such I  
6 reported the proceedings had in the above-entitled matter at  
7 the time and place set forth herein.

8 That my stenograph notes were thereafter transcribed  
9 under my direction; and that the foregoing pages numbered  
10 through constitutes a full, true and correct transcription of  
11 my said notes.

12  
13 Dated: May 2, 2024  
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18 Chris Swinderman CSR No. 6932  
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